IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 865 OF 1987

Jayee P.V.C.Pipes Pvt. Ltd.... .... Plaintiff.

Versus

Rumanian Shipping Co. & Anr..... Defendants.

Mr. N. K. Kamat for the Plaintiff.

Ms. Sonali Shinde i/by Consulta Juris
for Defendant No.2.

CORAM : D. G. KARNIK, J.

DATED : 30TH JUNE, 2006.

P.C.:

Heard the learned Counsel for the Plaintiff and the learned Counsel for Defendant No.2. None present for the Defendant No.1.

2. Though more than 18 years have passed the Defendants have not filed the written statement. In the absence of the written statement, the averments made in the plaint are deemed to be admitted. The suit is for recovery of money only. In the facts and circumstances of the case, I do not consider it necessary to require the Plaintiff to adduce evidence

but I am inclined to exercise power under Order 8 Rule 5(2) read with Order 8 Rule 10 of the Code of Civil Procedure.

3. Accordingly, the suit of the Plaintiff is decreed in terms of the prayer clauses (a) and (b).

Sd/-

(D. G. KARNIK, J.)